FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1566 of 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Chetan Kapadia i/by M/s.Sreeji & Lal for petitioners.
Mrs.Thakur, AGP for respondents.

CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.
DATED : 12th August 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. This petition is filed to contend that the respondents ought to charge separately for water consumed for commercial purposes and water which is consumed for horticulture or to the housing colonies. Petitioner No.1 is a Company manufacturing beverages and selling bottled water which is claimed to be purified water. The respondents have filed a reply and specifically contended that, in fact, the petitioners are

diverting the water collected from the source prior to the same being taken through the Meters. It is submitted that as such the petitioners are using devices whereby there is no correct reading in the existing Meters. Reliance is placed on the photographs in support in paragraphs 2(iv) and 14 of the affidavit.

3. It is submitted that the petitioners have not come to the Court with clean hands. The Government is agreeable to provide a separate Meter, provided the petitioners take a separate pipeline to the factory right from the source. The petitioners are not agreeable to it. As such today they are receiving the water at the rate of just 3 Paisa per litre. A dispute is raised about the various facts in the reply filed by the respondents.

4. This being so, the petitioners may file a Suit for a declaration that they are seeking through this petition. We are not inclined to interfere in writ jurisdiction. Petition is dismissed.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)